

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN FELL	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
GEORGE PATRICK, Superintendent	:	NO. 06-4751
State Correctional Institution at Houtzdale,	:	
THOMAS CORBETT, Attorney General of	:	
the State of Pennsylvania and JEFFREY	:	
BEARD, Secretary, Pennsylvania	:	
Department of Corrections	:	
Respondents.	:	

ORDER

AND NOW, this 5th day of September, 2007, upon consideration of the pleadings and the record in this case, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated July 30, 2007, and petitioner's Objections to the Magistrate's Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated July 30, 2007, is **APPROVED** and **ADOPTED**;
2. Petitioner's Objections to Magistrate's Report and Recommendation are **OVERRULED**;¹
3. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by petitioner, John Fell, is **DENIED**; and,
4. A certificate of appealability will not issue on the ground that petitioner has not made

¹All of the Objections are addressed in the Report and Recommendation, and this Court agrees with what the Magistrate Judge stated about all such issues. In so ruling, this Court notes that, although not specifically mentioned by case name, the Magistrate Judge analyzed the issues presented under *Giglio v. United States*, 405 U.S. 150 (1972).

a substantial showing of a denial of a constitutional right as required under 28 U.S.C.
§ 2253(c)(2).

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.